

REMARKS:

Claims 4-6 remain in the application for consideration by the examiner. In the foregoing amendments, idiomatic and editorial changes were made to claims 4-6 to better define the arrangement between the different communication protocols, the frame formats of the different communication protocols, and the different header lengths of the frame formats.

Applicant respectfully requests that the foregoing amendments be entered under the provisions of 37 C.F.R. § 1.116(b) for the purposes of placing the application in condition for allowance or for the purposes of appeal. The outstanding Office action set forth a new basis for rejection where newly cited teachings were applied against applicant's claims. Accordingly, prior to the filing of this response, applicant did not have an opportunity to respond to these new positions in the outstanding Office action. More importantly, the foregoing amendments to applicant's claims correct idiomatic and/or editorial manners in response to the rejection under 35 U.S.C § 112, second paragraph. These changes also better define applicant's invention and do not add new limitations to applicant's claims. It is believed that the foregoing amendments place the application in condition for allowance.

Therefore, applicant respectfully requests that the foregoing amendments be entered under the provisions of 37 C.F.R. § 1.116(b) for the purposes of placing the application in condition for allowance or for the purposes of appeal.

Claims 4-6 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claimed the subject matter which applicant regards as the invention. The Official action stated:

Clarify the applicant's use of the terms "format" and "protocol" as described on pages 13-14 and 19-20 explaining figures 2 and 6. A difference in header length is a difference in format, not a difference in protocol.

Applicant respectfully submits that claims 4-6 particularly point out and distinctly claim the subject matter regarded as the invention within the meaning of 35 U.S.C § 112, second paragraph, and in a manner that is consistent with applicant's specification disclosure. Merriam-Webster's Collegiate dictionary defines a protocol as "a set of conventions governing the treatment and especially the formatting of data in an electronic communications system." Applicant's claims define that the different communication protocols respectively have a frame format with a different header length. In addition, applicant's claims define respectively allocating the frame formats with the different header lengths to the different communication protocols. Still further, applicant's claims define respectively identifying the different communication protocols by the different header lengths of the frame formats.

Applicant respectfully submits that any person skilled in the art reviewing claims 4-6 would attach a particular and definite meaning to these

claims. Therefore, applicant respectfully requests that the examiner reconsider and withdraw the rejection under 35 U.S.C § 112, second paragraph.

Claims 4-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent No. 5,646,941 of Nishimura *et al.* (Nishimura). The Official action stated that Nishimura discloses a digital data transmission system that transmits a variety of data such as NYSC, PAL and MPEG. The Official action continued that Nishimura discloses a plurality of electronic devices connected through a bus (column 9, lines 8-15). The Official action stated that Nishimura determines the format of the data header via format flag(s) that indicate the length of the header (column 5, lines 12-53). The Official action commented that applicant illustrates the difference between protocol A and protocol B as being a difference in the length of the header portion of the data packet, while the payload remains the same in both (applicant figures 2 and 6 as described on pages 13-14 and 19-20).

Applicant respectfully submits that the teachings of Nishimura do not disclose or suggest the invention as set forth in claims 4-6 within the meaning of 35 U.S.C. § 102 or 35 U.S.C. § 103.

Applicant's claims define, *inter alia*, that the plurality of different communication protocols in communication on the multiplex transmission serial communication line respectively have frame formats with different header lengths, and that the frame formats with different header lengths are respectively allocated to the different communication protocols, and further

that the different communication protocols are respectively identified by the different header lengths of the frame formats. While the teachings of Nishimura may determine the format of the data header by format flag(s) that indicate the length of the header (column 5, lines 12-53) as alleged in the Official action, this has nothing to do with using the length of the header within the frame format to determine the respective communication protocol transmitted along the multiplex transmission serial communication line, as required in the present claims. Attention is respectfully directed to column 7, lines 25-39, of Nishimura. These teachings of Nishimura propose format flag(s) that are decoded to determine whether the data packet contains the data header Hd; and when the data header is present, the top portion of the data area Dr is read as the data header Hd. Based on the read information, in the process proposed by Nishimura, the length of the data headers DHF and the format patterns of the header components Hc are detected for further processing by the apparatus. This arrangement is quite different than that set forth in the present claims where, *inter alia*, the different header length of the frame format, itself, is used to determine the particular communication protocol of the data in communication on the multiplex transmission serial communication line.

As discussed above and proposed within the teachings of Nishimura, when the data header is present, the top portion of the data area Dr is read as the data header Hd. However, the data header itself is of a fixed length, as it

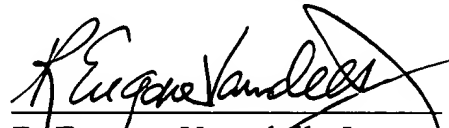
would be recognized by a communication control system -- unlike the presently claimed invention. Therefore, it is impossible for the teachings of Nishimura to contemplate or suggest a method or apparatus that identifies a communication protocol by detecting the different header length of the transmitted frame format in a communication control system for carrying out communications among electronic devices by using a multiplex transmission communication line that supports communications by a plurality of different communication protocols. For such reasons, applicant respectfully submits that the teachings of Nishimura cannot contemplate or suggest the configuration of applicant's claims that enables communications using a plurality of different communication protocols among electronic devices identifying protocols according to a difference in header lengths.

For the foregoing reasons, applicant respectfully requests that the examiner reconsider and withdraw the rejections of the claims as set forth in the outstanding Office action including that over the teachings of Nishimura.

For the foregoing reasons, a formal allowance of claims 4-6 is respectfully requested. While it is believed that all the claims in this application are in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which become due, may be charged to our deposit account No. 22-0256.

Respectfully submitted,  
VARNDELL & VARNDELL, PLLC

A handwritten signature in black ink, appearing to read "R. Eugene Varndell, Jr.", written over a horizontal line.

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